

AN ORDINANCE

00- 8 -1465

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON July 27, 2000.

91 Bates Avenue, SE	05
476 Elm Street, NW	03
1049 Fortress Avenue, SW	04
1044 Harwell Street, NW	03
976 Oakland Drive, SW	04
820 Pinehurst Terrace, SW	04
759 Woodson Street, SE	02

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

WHEREAS, on July 27, 2000, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, July 27, 2000, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to forthwith demolish and clean the following real property, upon which structure(s) are located:

<u>Proper Street Address</u>	<u>City Council District</u>
91 Bates Avenue, SE	05
476 Elm Street, NW	03
1049 Fortress Avenue, SW	04
1044 Harwell Street, NW	03
976 Oakland Drive, SW	04
820 Pinehurst Terrace, SW	04
759 Woodson Street, SE	02

SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Demolish the structures and clean the premises.
- (3) Plant grass in conformance with the Order of the In Rem Review Board
- (4) File a lien against the real property on which the structures(s) are attached
In an amount necessary to recover the costs incurred by the City of Atlanta

SECTION 3: That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

THE SUPERIOR COURT FOR THE COUNTY OF
DEKALB, STATE OF GEORGIA

CITY OF ATLANTA BUREAU
OF NEIGHBORHOOD CONSERVATION
Plaintiff
VS.

NOTICE FOR RECORD
FOR LIS PENDENS

Rosa Lee Martin and Thelma Mae Grier, Executor U/W of Austin Lewis Benton;
Thelma Mae Grier, Individually
Melvin Bailey

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against the above defendant on

Friday, July 7, 2000

in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract and parcel of land lying and being in Land Lot 205 of the 15th District of DeKalb County and being more particularly described as follows:

BEGINNING at a point on the West side of Bates Avenue 40 feet North from the Northwest corner of Bates Avenue and the Georgia Railway right of way; running thence West 150 feet; running thence South 40 feet, more or less, to the Georgia Railway right of way; running thence East along the Georgia Railway right of way 150 feet, more or less, to Bates Avenue; running thence North along the West side of Bates Avenue 40 feet to the point of beginning; being improved property known as No. 91 Bates Avenue, S. E. according to the present system of numbering houses in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Dekalb County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: Friday, July 7, 2000

BY:

Rita L. Hammond
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Carter
Assistant Real Estate City Attorney